

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Alfred K. Cloke, III,

Plaintiff(s),

vs.

Local Union 1090, et al.,

Defendant(s).

Case Number: 1:14cv773

Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on April 3, 2018 a Report and Recommendation (Doc. 63). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 65), the defendants filed responses to the objections (Docs. 65 and 66) and plaintiff filed a reply to the response (Doc. 69).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, the pending motions to dismiss the First Amended Complaint with prejudice filed by Defendant Local Union 1090 (Doc. 54), by Defendant United Brotherhood of Carpenters and Joiners of America (Doc. 51), and by Defendant Indiana/Kentucky/Ohio Regional Council of Carpenters (Doc. 59) are GRANTED.

In addition, the defendants filed a Joint Motion to Strike the Reply (Doc. 70) and plaintiff filed a Response in Opposition to that motion (Doc. 71). Plaintiff also filed a Motion for Leave to File a Reply Memorandum in Support of the objections to the Magistrate Judge's Report and Recommendation (Doc. 72). These motions are moot.

The Court certifies pursuant to 28 U.S.C. §1915(a) that any appeal of an Order adopting the Report and Recommendation will not be taken in good faith. Therefore, plaintiff is DENIED leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Service.*, 105 F.3d 274, 277 (6th Cir. 1997).

The Joint Motion to Strike (Doc. 70) and the Motion for Leave to File a Reply Memorandum in Support of the Objections are both DENIED as MOOT.

This case is hereby TERMINATED from the docket of this Court.

IT IS SO ORDERED.



Judge Susan J. Dritt
United States District Court